STATE OF HAWAII OFFICE OF ELECTIONS HONOLULU, HAWAII

SEPTEMBER 11, 2009

ADDENDUM A

TO

REQUEST FOR PROPOSALS

NO. RFP-10-001-SW

FOR SEALED OFFERS FOR A VOTING EQUIPMENT SYSTEM

The following are questions asked in response to the solicitation and are responded to as follows:

Question 1:

"[VENDOR REDACTED] is currently in the process of Federal Certification under the <u>2005</u> Voluntary Voting System Guidelines (VVSG), with an [REDACTED] software system, and are expected to complete certification by late fall of 2009. The final report shall conform to applicable Federal Voting Systems Standards (<u>2005</u> VVSG). The new optical scan system with an Integrated ADA/Early voting module is newly developed since the last RFP process.

Based on the above status of certification, is [VENDOR REDACTED] restricted from submitting a proposal and possible winning the contract for the Hawaii Voting Equipment System RFP?"

Answer 1:

If a vendor does not have either a 2002 or 2005 certification by the deadline to submit proposals, they will not meet the requirements of the Request for Proposals (RFP) and will be disqualified upon submitting a proposal.

Please refer to page number 10, Section 3.010 of the RFP, which states:

"all voting equipment shall be certified by the National Association of State Election Directors (NASED) to meet the 2002 federal voting system standards developed by the Federal Election Commission (FEC). In the alternative, all voting equipment shall be certified by the U.S. Election Assistance Commission (EAC) to meet the 2002 federal voting system standards, or any subsequent iteration of the federal voting system standards, referred to as the Voluntary Voting System Guidelines (VVSG) (e.g. 2005 VVSG). In the event that the system has been modified from the original system that was tested, the Evaluation Committee will have the final authority to accept the modification or to determine that the Offeror has not met the necessary certification requirement."

- Question 2: "...we would respectfully request the state to remove the Performance Bond from the contract requirements."
- Answer 2: The State of Hawaii will not remove the Performance Bond requirement from the RFP. Any proposals submitted with the Performance Bond listed as an exception, will be disqualified.
- Question 3: "...since the "Termination for Convenience" clause conservatively makes this contract a 1 year lease agreement with further options in 2012 and 2014, we would respectfully request that any proposal calculations (i.e. bid bond) be based on the 2010 value of the offer."
- Answer 3: We deny this request. Please refer to page 15, Section 4.030 of the RFP, which states:

"Bid Security. Proposal shall be accompanied by a bid security in the amount of five per cent (5%) of the Grand Total amount of the proposal on OF-2. Offeror may submit the required amount of the offer guaranty in any of the following forms:

- 1. legal tender;
- 2. surety bid bond; or
- certificate of deposit, share certificate, cashier's check, treasurer's check, teller's check, or official check drawn by, or certified check accepted by a bank, savings institution or credit union insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration."
- Question 4: Please clarify that certification must be attained on or before the first scheduled use of the new system.
- Answer 4: Certification must be attained by the deadline to submit proposals and proof of certification must be submitted with the Offeror's proposal. Please refer to page 11, Section 3.020 of the RFP, which states:

"a copy of the report(s) from an independent testing authority accredited by NASED or the EAC verifying and confirming that the New System conforms to applicable federal voting system standards;"

- Question 5: Please provide copies of the ballots from the primary and general from 2006 and 2008.
- Answer 5: Please see attachment 1.
- Question 6: Assuming all poll site voting results are gathered and represented, will the State allow voting communication to occur from a selected group of secure poll sites versus communication transmissions from every poll site?
- Answer 6: Yes. The State will allow transmission of results from a selected group of secure poll sites.

Question 7: Are the voting booths (the privacy booth for marking ballots) that were used in the 2008 elections available for use in the 2010, 2012, and 2014 elections? Are those booths owned by the State? If the booths are not owned by the State, who or what entity owns those booths?

Answer 7: The voting booths used in the 2008 Elections are owned by the state and are available for use in the 2010, 2012, and 2014 Elections.

Question 8: Will the State allow the amount of sufficient on-site technical and operational support be mutually decided upon ahead of time between the State, Counties, and the chosen vendor?

Answer 8: Yes. The State will allow on-site technical and operational support to be mutually decided upon ahead of time between the State, Counties, and the chosen vendor. However, this in no way will affect the contract price. Additionally, if the State and the chosen vendor cannot mutually agree, the State shall have the sole discretion to decide adequate on-site technical and operational support.

Question 9: Will the State reconsider the delivery of spare parts in non-critical periods to be within 15 days versus 2 days?

Answer 9: No. The state believes that it is important to have the equipment repaired within two (2) days.

Question 10: Does the State expect the cost of unscheduled Special Election Support not held in conjunction with the Primary and General during the term of the Final Agreemement to be borne by the Offeror? If yes, would the State re-consider this position as it is difficult to build into the proposal the costs for unknown and unscheduled special elections?

Answer 10: No, the State does not expect the Offeror to be responsible for the cost of unscheduled Special Election. However, the State or Counties will not be charged for the use of the voting system equipment for any unscheduled special election held during the term of the contract. In the event of a Special Election, the State or Counties will be responsible for consumables, ballot cost, and technical and operational support.

Question 11: Will the State allow the amount of adequate support staff be mutually decided upon ahead of time between the State, Counties, and the chosen vendor?

Answer 11: See answer to Question 8.

Question 12: Will the State provide this RFP in Word format?

Question 12: No.

Question 13: What other language(s), if any, does the State anticipate being added to the ballot in the future?

Answer 13: The State cannot anticipate any future languages because languages are determined by the Department of Justice based on the U.S. Census Bureau.

Kevin B. Cronin Procurement Officer















